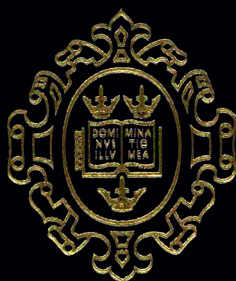

CONTRACT FORMATION

Law and Practice

MICHAEL FURMSTON
G J TOLHURST



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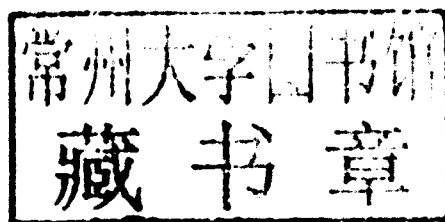
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CONTRIBUTOR: ELIZA MIK



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Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
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Published in the United States
by Oxford University Press Inc., New York

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First published 2010

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British Library Cataloguing in Publication Data
Data available

Library of Congress Cataloging in Publication Data

Typeset by Glyph International, Bangalore, India

Printed in Great Britain

on acid-free paper by
CPI Antony Rowe

ISBN 978-0-19-928424-5

1 3 5 7 9 10 8 6 4 2

PREFACE

One of the authors lived for many years near the small Somerset town of Cheddar where his children went to school. Cheddar is famous worldwide for its cheese and more locally for its gorge and caves, the product of floods thousands of years ago. In the 1980's bones thousand of years old were found in the caves. DNA tests on local residents showed that one of the history teachers of the children was related and that very likely his family had been living locally for two thousand years. If there were similar tests for books they would certainly show a connection to *Contract Formation and Letters of Intent* written by Michael Furmston, Takao Norisada, and Jill Poole in 1977. The present book is a new book but it certainly owes a debt to its predecessor. It had originally been planned that this book would be written by Jill Poole and Michael Furmston but Jill's other commitments eventually made this impossible. Michael was greatly relieved at the willingness of Greg Tolhurst to step into the breach. Greg and Michael would like to record their gratitude to Jill and Takao for their contribution to the project.

One of the authors has spent most of his life teaching in British Law Schools but is now teaching in Singapore and has for many years visited Australia to teach. The other has worked in England but has spent most of his life in Australia. The book contains discussion of many cases from England, Australia, Canada, New Zealand and Singapore. The authors do not think the laws of these countries are identical. Clearly they are not. Blind obedience to the House of Lords has gone. (Like the House of Lords itself). Nevertheless we feel that in this field all the systems have so much to learn from each other that no one should retreat into an island of their own. For similar reasons we have made extensive references to developments in the United States.

The problems of contract formation have also been considered by the great Civil Law Systems. Neither of us is competent to give an account of these systems but we have thought it right to refer to the treatments of the topic in the Vienna Convention, the Unidroit Principles for International Commercial Contracts, the principles of European Contract Law and the Draft Common Frame of Reference. The appearance of these works suggests that in this area at least the gaps between common law and civil law are not impossibly wide.

There are many debts of gratitude which should be acknowledged. Greg Tolhurst would like to thank Professors John Carter and Elisabeth Peden for their help as well as Rachel Miller and Jack Geng for their valuable research assistance. Angie Choo Kum Woon has provided invaluable support to Michael at all times. The families of both authors have provided endless encouragement as have Rachel Mullaly and Anna Krzyzanowska at OUP.

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